In re Appln. of Stephan et al.
Application No. 10/573,103
Response to Final Office Action of April 9, 2010 and RCE

<u>REMARKS</u>

The following remarks are responsive to the Final Office Action mailed on April 9, 2010 (*Final Office Action*). At the time of the *Final Office Action*, claims 1–16 were pending. The status of the claims is as follows:

- Claims 1–6 and 11 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention;
- Claims 1–8 and 11–13 stand rejected under 35 U.S.C. § 103(a) as being obvious over Wiles et al. (U.S. Patent Application Publication No. 2002/0078261, hereinafter *Wiles*) in view of Menzies et al. (U.S. Patent Application Publication No. 2002/0091809, hereinafter *Menzies*); and
- Claims 9–10 and 14–16 stand rejected under 35 U.S.C. § 103(a) as being obvious over *Wiles* and *Menzies*, and further in view of Emaru et al. (U.S. Patent Application Publication No. 2005/0021547, hereinafter *Emaru*).

Claims 1, 4, 6, and 15 are amended herein to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 5 and 11–14 are cancelled without prejudice or disclaimer. Applicants submit herewith a Request for Continued Examination accompanied by the requisite fee, and respectfully requests that the amendments presented herein be entered and the claims be examined on their merits. The distinctions between the present claims and the art of record are discussed herein.

<u>Rejection of claims under 35 U.S.C. § 112, second paragraph</u>

In the rejection of claim 1 under 35 U.S.C. § 112, second paragraph, the *Final Office Action* stated that there is insufficient antecedent basis for the limitations "the transfer", "the basis", and "the value" (*Final Office Action*, p. 2). Applicants amend claim 1 herein to replace the article "the" with "a" in each of these referenced phrases that served as a basis for the rejection. No new matter is introduced by these amendments to claim 1. Applicants submit that claim 1 as amended particularly points out and distinctly claims the subject matter which Applicants regard as the invention as required by 35 U.S.C. § 112, second paragraph.

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Applicants respectfully request that the Examiner withdraw the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

Claims 2 and 3 were rejected under 35 U.S.C. § 112, second paragraph as depending from claim 1. For at least the same reasons as those provided for claim 1, Applicants submit that claims 2 and 3 particularly point out and distinctly claim the subject matter which Applicants regard as the invention as required by 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the Examiner withdraw the rejection of claims 2 and 3 under 35 U.S.C. § 112, second paragraph.

Claims 4 and 6 were rejected upon similar grounds as claim 1 (*Final Office Action*, p. 2). Applicants have amended each of claims 4 and 6 as described above with respect to claim 1, as appropriate. Accordingly, Applicants submit that claims 4 and 6 as amended particularly point out and distinctly claim the subject matter which Applicants regard as the invention as required by 35 U.S.C. § 112, second paragraph. Applicants respectfully request that the Examiner withdraw the rejection of claims 4 and 6 under 35 U.S.C. § 112, second paragraph.

Applicants welcome any suggested language for addressing the 35 U.S.C. § 112, second paragraph rejections in the event the rejections are maintained.

Rejection of claims under 35 U.S.C. § 103

In rejecting claim 1 under 35 U.S.C. § 103(a) as being obvious over *Wiles* in view of *Menzies*, the *Final Office Action* admitted that *Wiles* "fails to disclose constructing a template comprising an identifier of said template, said template indicating an ordered string of information to be sent corresponding to said template" (*Final Office Action*, p. 4). The *Final Office Action* then relied upon *Menzies* to make up for *Wiles'* deficiency and in combination render claim 1 obvious (*Final Office Action*, p. 4). Applicants respectfully disagree that *Menzies* in combination with *Wiles* teaches or suggests all the limitations of claim 1.

As discussed in Applicants' prior Response to Office Action, *Menzies* teaches a class to describe an object, but does not teach or suggest organizing information according to a template in order to send information relating to a plurality of objects while reducing the bandwidth required compared to the prior art. Applicants submit that one of ordinary skill would not consider *Menzie's* teaching of a class modeling a device or component in a general

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sense to equate to or suggest constructing a template comprising an ordered set of pairs of words generated on the basis of a formal language specification for each object of a communication network, the template indicating an ordered string of information to be sent as claimed.

In response to Applicants' argument summarized above, the *Final Office Action* stated that the argument was not persuasive because "[t]he limitation 'words generated on the basis of a formal language specification' are contained within the pre-ambles of the independent claims and not necessary used to limit the claims" (*Final Office Action*, p. 10). Accordingly, Applicants herein amend independent claims 1, 4, and 6 to recite within the body of the claim that the pair of words are generated "on a basis of a formal language specification" for each object. Applicants note that in claim 15, the association of the formal language specification with each of the objects is already recited within the body of the claim as more clearly indicated in the amended set of claims included herein. Applicants submit that this limitation which *Menzies* in combination with *Wiles* does not teach or suggest is now clearly recited within the body of the independent claims, and thus distinguishes the claims from the combination of *Wiles* and *Menzies*.

To further clarify the distinctions between the claimed invention and the art of record, Applicants herein amend claim 1 to further recite the steps of "exporting said template; and progressively exporting the ordered string of information corresponding to said template, said ordered string of information corresponding to said communication network administration information relating to said object." No new matter is introduced by these amendments, which are supported by the application as filed, for example in FIG. 14 and at p. 33 lines 1–2, p. 33 lines 23–26, and p. 26 line 38 through p. 27 line 1.

As now recited in claim 1, a template is exported before exporting (e.g., transmitting) information corresponding to the communication network administration information relating to the object. In addition, the claim now recites that the information relating to the object is progressively exported according to the template previously exported. Applicants note that as claimed, no request for each element of the information is required to be received or processed before each element of the ordered string of information is progressively exported. In an exemplary embodiment as described in the specification, an IPFIX protocol may be used to perform the export (see, e.g., *Specification* of application, p. 33, lines 5–7 and lines 23–26). In this context, the progressive exportation of the information indicates that the

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information is transmitted according to the evolution of the administration information over time, as opposed to being transmitted based on reception of a request for the information (see, e.g., *Specification* of application, p. and p. 42 line 33 through p. 43 line 1).

Neither *Wiles* nor *Menzies* disclose the exportation of a template and the progressive exportation of communication network administration information relating to objects according to the template as recited in claim 1. Furthermore, as *Menzies* discloses in ¶¶[0009] and [0032]–[0036], the administration information is sent from a server to a client only in response to a request for the information. Thus, for at least these reasons, even the combination of *Wiles* and *Menzies* fail to teach or suggest each and every feature of claim 1.

The method recited in claim 1 is advantageous over the prior art at least in that the information relating to the objects can be transmitted in a very relevant manner by avoiding overhead introduced by other protocols, such as the SNMP protocol, and by avoiding the generation of a request for each element of required administration information (see, e.g., *Specification* of application, p. 26 line 15 through p. 27 line 7, FIG. 14, and p. 32 line 3 through p. 33 line 28). These characteristics facilitate a substantial reduction of general overhead for transmission of such administration information.

For at least these reasons, Applicants submit that claim 1 as amended is novel and nonobvious over the art of record, and respectfully request that claim 1 be allowed.

Claims 2–3 depend from claim 1. For at least the same reasons as those provided for independent claim 1, dependent claims 2–3 are novel and nonobvious over the cited art. Applicants respectfully request that the Examiner allow claims 2–3.

Independent claims 4 and 6 were rejected upon similar grounds as claim 1 (*Final Office Action*, p. 7). Applicants have amended claims 4 and 6 in a manner similar to that described above with reference to claim 1. Thus, for at least the same reasons as those provided for claim 1, Applicants submit that claims 4 and 6 are novel and nonobvious over the cited art. Applicants respectfully request that the Examiner allow claims 4 and 6.

Claims 7–10 depend from claim 6. For at least the same reasons as those provided for independent claim 6, dependent claims 7–10 are novel and nonobvious over the cited art. Applicants respectfully request that the Examiner allow claims 7–10.

Independent claim 15 was rejected upon similar grounds as claim 9 (*Final Office Action*, p. 9). Applicants have amended claim 15 in a manner similar to that described above with reference to claim 6. For at least the same reasons as those provided for claim 9, which

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depends from claim 6, Applicants submit that claim 15 is novel and nonobvious over the cited art. Applicants respectfully request that the Examiner allow claim 15.

Claim 16 depends from claim 15. For at least the same reasons as those provided for independent claim 15, dependent claim 16 is novel and nonobvious over the cited art. Applicants respectfully request that the Examiner allow claim 16.

Conclusion

In view of the Request for Continued Examination submitted herewith accompanied by the requisite fee, and the foregoing amendments and remarks, Applicants respectfully request that the claims be examined on their merits. The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

Respectfully submitted,

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